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ABSTRACT

High school students are introduced to concepts and practices of pressure groups and lobbying through role playing and through participating in lobbying efforts at the state level. Information on effective lobbying, regulation of lobbyists, and the legislative process is provided. Students are encouraged to learn lobbying techniques by engaging in a lobbying activity, for example, working toward a lower age limitation for candidates for the state legislature. Topics include researching the issue, meeting with and writing to legislators, seeking executive support, and establishing positive relations with the press. A role playing exercise focuses on telephone lobbying for more money to local school districts. A glossary and information on keeping informed on the progress of legislation conclude the document. (KC)

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A GUIDE TO LOBBYING

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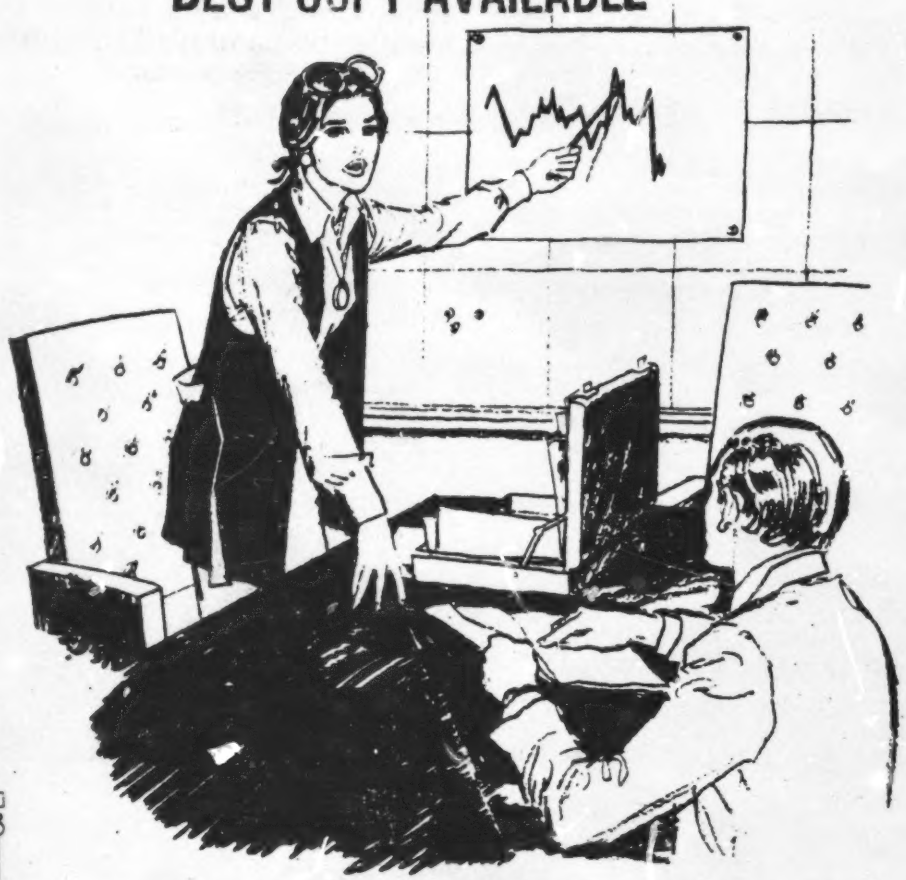

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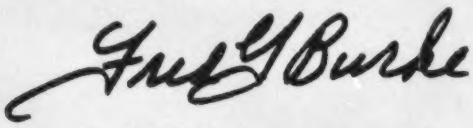
Institute for Political/Legal Education

On behalf of the Department of Education, State of New Jersey, I wish to bring the Institute for Political and Legal Education to the attention of educators throughout the nation. The program has made a significant contribution to the education of high school students about the American political, governmental, and legal processes and thus should be of interest to educators, parents, and students.



Dr. Fred G. Burke
Commissioner of Education
State of New Jersey

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The Institute for Political and Legal Education was developed through the cooperative efforts of the Institute staff, educators in local New Jersey districts, and the staff of the Office of Program Development, Division of Research, Planning, and Evaluation/Field Services, the Department of Education, State of New Jersey. The political and legal materials were developed between 1971 and 1974 with funding from Elementary and Secondary Education Act, Title III.

In 1974, the political education program was validated as successful, cost-effective, and exportable by the standards and guidelines of the United States Office of Education. As a result the program is now funded through ESEA, Title III as a demonstration site to provide dissemination materials and services to interested educators.

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Project Address

Institute for Political and Legal
Education, 207 Delsea Drive, RD 4,
Box 209
Sewell, NJ 08080

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PRESSURE GROUPS

INTRODUCTION

The First Amendment to the U.S. Constitution guarantees the right of every citizen to petition the government. The act of lobbying or influencing governmental decision-making is practiced by professional lobbyists who represent clients with ongoing legislative concerns and by ad hoc citizen groups with specific interests.

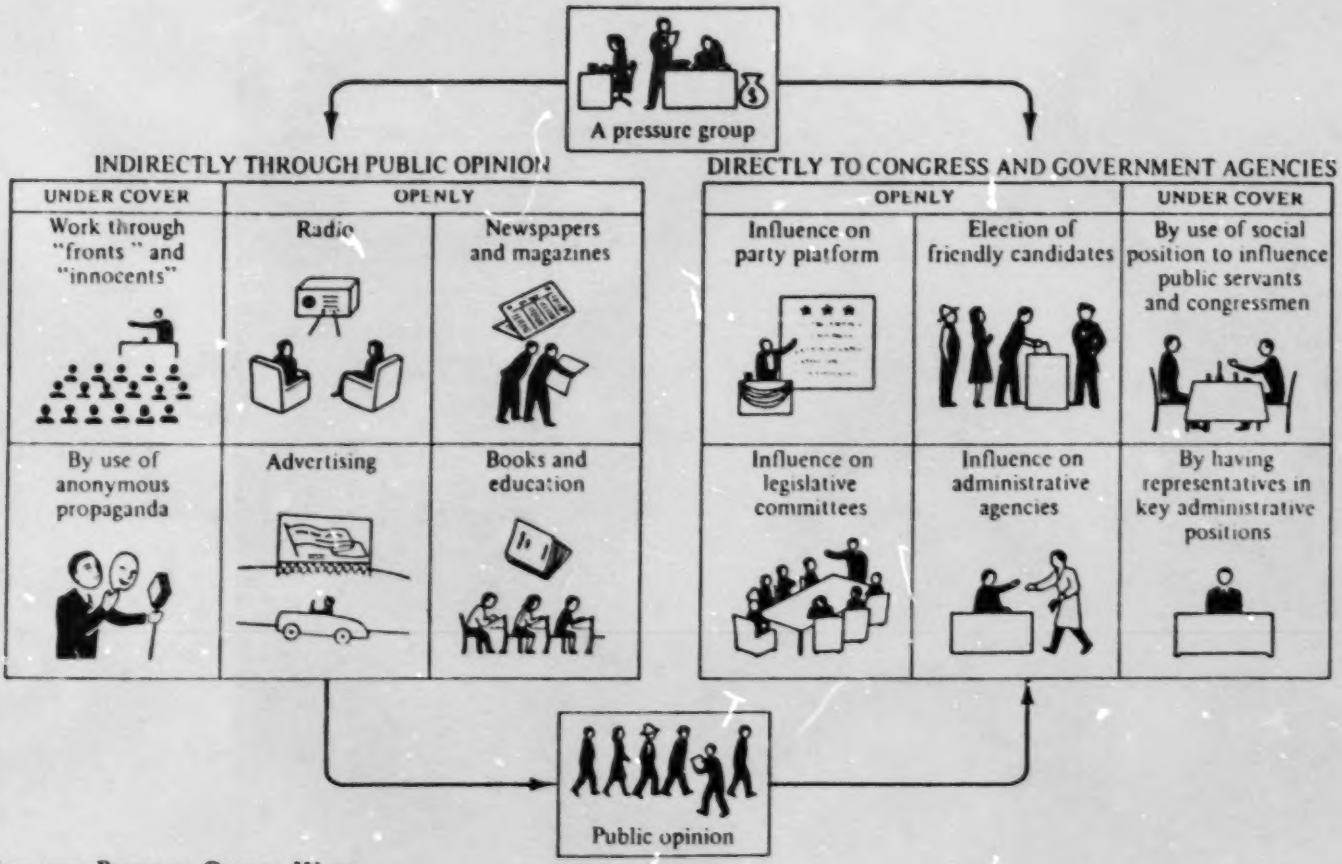
Lobbying activities, whether by professionals or by ad hoc groups, have become so extensive that lobbyists as a group are sometimes referred to as the fourth branch of government or the third house of the legislature. Many political analysts and legislators believe that lobbyists perform an essential and significant informational role in the legislative process. On the other hand, some political commentators believe that the legislative process has been removed from elected representatives, and now rests with lobbyists. Concern for what these people feel is an inordinate amount of influence has resulted in more stringent regulations on lobbyists in the form of registration, financial disclosure and limitations on contributions to political campaigns, all of which will be discussed in this unit.

The *ad hoc* groups comprise constituencies which become aroused and organized in reaction to government policies. The usual sequence is: the legislative decision is made; the public evaluates the decision; the public seeks to change or block policies with a negative effect. Thus, implemented decisions foster new pressures for future decisions. Examples of this process include: groups formed in response to various legislative and court actions (e.g. abortion, capital punishment, gambling) and groups exerting pressure for and against new highway construction, low-cost housing and various taxation proposals.

The *ad hoc* citizen lobbying groups, like their professionally organized counterparts, are motivated by self-interest. Since few government decisions are irreversible or without need of refinement, the power of potential citizen groups becomes highly significant in influencing public policy at all government levels. The diagram on page 2 shows graphically the manner in which pressure groups work to mold public opinion and to influence legislative and executive decisions.

Activity: Identify potential pressure group constituencies which are apt to emerge within your community. What governmental action might cause these groups to become active?

A closer examination of the lobbyist and lobbying should help students understand and evaluate the function. Additionally, the presentation of techniques for student lobbying efforts should assist students in becoming more active community participants.



How the Pressure Groups Work

SOURCE: Public Affairs Committee, *Government Under Pressure*, Pamphlet No. 64.

LOBBYISTS AND THEIR FUNCTION

WHO ARE LOBBYISTS?

Persons conducting activities aimed at influencing public officials and especially members of a legislative body with regard to legislation and other policy decisions are called lobbyists. The term "lobbying" actually describes the process of standing in the lobby of the legislative chambers waiting to speak with legislators about a particular piece of legislation.

It is important to note that lobbying is much more than standing in the hallways of the legislative chambers. Lobbying can be done over the phone, with letters or with telegrams. Often, all of these methods are used.

Unfortunately, many people feel removed from governmental decision-making and think of lobbying as a difficult task. In actual fact, any citizen can lobby and, given training, many more citizens are doing so!

Lobbyists are generally persons representing a company, an industry or various interest groups such as the League of Women Voters, American Civil Liberties Union, Chamber of Commerce, Retail Merchants Association, labor unions or a state professional association. Many lobbyists are paid professionals while others are volunteers representing citizen-consumer or environmental groups. In this latter category, there are many citizens coming together through tax coalitions, land use committees and health and welfare councils to force local and county government to face important issues. These activist groups are effectively lobbying for their views.

Recently, young people have joined other lobbyists at the state capitol and in Washington, D.C. The following examples specifically show that young people can be effective lobbyists.

A bill to lower the voting age to 18 years of age was originally introduced in 1947, but it was never acted upon by the New Jersey legislature. In 1969 the legislative climate of opinion had changed as young people lobbied on their own behalf vigorously and effectively. The bill passed the Senate 30-0 and the Assembly, 57-3.

Other young people began lobbying for a reduction in college tuitions, an end to the Viet Nam War and ecology related legislation. In 1972 young people lobbied for and won full legal rights at age 18 in New Jersey. In addition to legislative support, the young lobbyists won the support of the Governor who signed the bill into law in January, 1973.

WHAT ARE EFFECTIVE LOBBYING TECHNIQUES?

The following techniques have been successful at all levels of government. Students might examine them in relation to achieving a lower age (e.g. 18 years old) to be a candidate for the state legislature.

Preparing to lobby

Certain preparatory steps are necessary prior to meeting legislators.

1. Develop a list of state senators and assemblymen with addresses and phone numbers and any helpful information on their position on the issue.

2. Research the issue: in this case, reduction of the eligibility age to 18 years for state legislature.

   a. Identify the major reasons in support of the issue.
   b. Identify the possible negative factors.
   c. Verify all facts using such sources as:
      (1) Library of Congress
      (2) State Library
      (3) Existing state statutes and legislative index
      (4) *Readers Guide to Periodical Literature* for magazine and newspaper articles
      (5) Organizations or groups knowledgeable on youth

3. Prepare an objective fact sheet of key supporting points as well as opposing arguments.

4. Widen the base of support for your position by getting others involved.

   Write letters to high schools, colleges and organizations to ask support. Contact such organizations as the State Education Association, AFL-CIO, and the League of Women Voters. To build additional support, write to your Congressmen and United States Senators, your City Councilmen and Mayor, and your county representatives. Seek the support of local church and civic groups. Those who respond favorably to the letters should be sent additional information. Request supporters to join actively in the lobby effort by writing and calling local legislators. (If necessary, send them a list of local legislators.) Meet with others who are interested in the issue and lobby at the State Capitol.

5. Study the techniques of lobbying via phone and personal interview, and role play to perfect these techniques and to develop confidence in contacting legislators. See page 15 for role playing exercise.

Meeting with legislators

Arrange to meet with each Assemblyman and Senator. Since legislators in many states are part-time legislators with part-time staffs, call first to make a specific appointment. Everyone's time is valuable, so make the best use of your visit.

During the first informational meeting allow this basic pattern:

1. Explain to the legislator why you are interested in 18-year olds being permitted to run for the legislature.

2. Ask the legislator how he feels about the issue and whether or not he would vote for it.

3. If legislation has not been introduced, ask the legislator to introduce such a bill.

4. Be courteous and factual, and do not argue. If the legislator is negative to your point of view, do not feel angered or discouraged. Remember there are a great many legislators and the opinion and vote of one will probably not determine the outcome. In fact, your positive attitude and friendly factual persuasion may eventually result in the legislator's change in view.

Writing to legislators

Send a letter to all of the legislators. Tell them:

1. You are interested in lowering the eligible age for the legislature to 18.
2. You are starting a lobbying campaign for the bill.
3. You would like to know how the legislator feels about the bill and if he/she would vote for it.

You have done well if you receive a 20 percent response. These letters are not to be interpreted as an indication of how the entire legislature feels, since favorable responses are more frequently sent. From the responses develop a list of legislators favoring, opposing or undecided about the issue. This list should be kept up-to-date. Without such a list your lobbying effort will be inefficient and less productive.

Lobbying in the legislature

Always dress neatly and in a professional manner when lobbying at the state capitol. Dress may not be important to many young people, but it may be to several legislators. Your appearance could affect their votes.

Organize your lobbying to cover the Assembly Chambers and/or the Senate Chambers depending on the number of people prepared to lobby. Be sure to have the fact sheet of objective information to give to the legislators as you speak with them. Explain the information clearly and concisely.

Legislators are busy and sometimes it is difficult to see one but be persistent without being pushy. Always address them: Assemblyman, Assemblywoman or Senator. If you have not studied photos of the legislators in the Legislative Index, you can identify each legislator by watching him or her take his or her assigned seat in the chambers. You may go on the floor of the Assembly or the Senate to talk with a legislator if the session is not in progress.

When speaking to a legislator about a bill, use the same approach you used when meeting with the first legislator in your district. If his position has not been published, inquire about whether or not he supports the bill. If the legislator is opposed, don't argue, but discuss the merits of the bill. If the legislator supports the bill, ask what you can do to help get the bill passed, and ask him whom he thinks you should speak with about the bill. Record any ideas; if he doesn't have an idea and you do, explain it to him and see if he would be willing to help implement it.

It is important ot remember the steps through which a bill moves through each house and the significant points at which the lobbying effort must be the greatest to ensure success:

1. **Introduction of the bill**
   Through lobbying, the content of the bill can be affected so that the bill will contain all important aspects in the first draft. This procedure minimizes the need to lobby at a later date for additions or amendments to the bill. Lobbying may also result in having the bill placed more quickly on the calendar for first reading.

2. **Assignment of the bill to Committees**
   Lobbying can result in a bill's assignment more expeditiously to the appropriate committee. (e.g. In the case of reducing the eligibility age for legislators to 18, the bill would go to the Judiciary Committee.)

3. **Public Hearing on the bill**
   Lobbying efforts should be extensive at this phase so that the public hearing is held promptly, that all pertinent and persuasive arguments are aired and that the committee releases the bill for second reading. (Bills die in committee if there is no sustained interest.)

4. **Second reading of the bill**
   This is a crucial time and the lobbying effort should be great to avoid unacceptable amendments to the bill or a situation where there would be insufficient votes for passage.

5. **Third reading**
   Lobbying would be particularly important to expedite the third reading, especially if the bill lacks the support of the Speaker of the Assembly or the President of the Senate, leaders in their respective houses responsible for placing the bill on the calendar for third reading. With the third reading, the final vote on the bill occurs; a sustained lobbying effort can bring successful passage. You will know the outcome even before the formal vote if you have kept an accurate up-to-date list of legislators for and against the bill. You must double check this list. (This process, and of course the lobbying effort, is repeated in the other house of the legislature.)

The more sessions of the legislature you attend, the better chance your bill will have of passage. By attending only a few sessions, you cannot expect to have an impact on legislators. For instance, since the New Jersey legislature meets twice a week, someone should be lobbying at least once a week.

While the lobbying in the capitol is going on, letters or telegrams from supporting organizations and telephone calls from local residents should be "pouring" in. If the legislator feels there is great support behind your lobbying effort, he will probably equate support with constituent votes and consequently believe it will be in his best interest to support the bill.

Summary of Lobbying Procedures

1. Follow the requirements of federal and state law for registration and disclosure. See pp. 8 for specifics.
2. Prepare legislation for introduction and select prominent legislators to sponsor the legislation.
   - the more influential sponsors of the bill, the more likelihood the passage.
3. Prepare a fact sheet in support of the legislation stating pertinent facts and figures.
   - insure the accuracy of your material since your credibility as a lobbyist is essential.
   - locate groups that could support your bill and if the support is obtained, indicate such support on the fact sheet.

4. Research opposing points of view and identify opposition groups. It will be necessary to counter their arguments.

5. Distribute your fact sheet and seek support from key committee members in both Houses including committee chairman and ranking members. Continue building support toward your goal of a majority of the committee and eventually of each House. Research the background and voting record of the legislators you seek to influence.

6. Learn *Robert's Rules of Order.* The knowledge and use of parliamentary procedure in "moving" your bill along toward passage can be crucial.

7. Seek support from committee staff personnel and develop positive working relations with them.

8. Seek executive branch support for your bill.

9. Know the steps through which a bill passes and be prepared to use every opportunity to expedite the passage.
   - try to influence the assignment of the bill towards a committee which would be supportive.
   - schedule an appearance before the committee.
   - prepare testimony and testify during committee hearings.

10. Contact groups which would most likely support the bill and inform them of the bill. Provide them with the fact sheets and request activation of a rigorous "grass roots" letter writing campaign to legislators.

11. Establish positive relations with the press providing reporters with information on the bill and continuous up-dates as support grows for the bill. Supportive press may influence some legislators.

12. Keep close contact with supporters throughout the legislative process and be attuned to any "break" in support. Persistence is essential in keeping a bill moving. Concentrate your efforts on supporters and the "undecided". Do not waste time on those adamantly opposed.

Remember, in the words of one successful Washington lobbyist: "Strategy and creative drudgery makes the difference."

HOW ARE LOBBYISTS REGULATED?

Students have learned about the "3rd House" role of the lobbyist, the techniques of lobbying, and the tremendous influence that lobbyists (particularly the paid professional lobbyist) have on the decision-making process at every level of government. Since the concept that influence upon and access to decision makers is power, it is easily understood why there have been increasing efforts to regulate lobbyists. This effort has had minimal success at the federal level, but states across the country are adopting rigorous registration and disclosure requirements for lobbyists either through action of the state legislature as in New Jersey, or through direct initiative action of the electorate as in California.

New Jersey

The New Jersey legislature passed the Legislative Activities Disclosure Act of 1971 defining "legislative agents" (lobbyists) and requiring such persons to file a "notice of representation." Sections within the legislation specify who is required to register, what information must be provided, and what facts must be reported each quarter.

The act states: "It is the purpose of this act to require adequate disclosure to the Legislature and to the public information relative to the activities of persons who seek to influence the content, introduction, passage and defeat of legislation by such means." (52:13c-18)

Legislative Agents:

The following persons shall be deemed legislative agents and subject to the registration and reporting requirements of the Act:

a. Any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value to influence legislation by communicating personally or through any intermediary.

b. Any person who receives or agrees to receive, directly, or indirectly, expenses which exceed $100.00 in any three-month period to influence legislation by communicating personally or through any intermediary.

c. Any person who holds himself out as engaging in the business of influencing legislation unless his activities in engaging in influencing legislation are isolated, exceptional or infrequent as hereinafter provided:

   1) Such person's activities in engaging in influencing legislation shall be considered "infrequent" if they constitute less than 20 hours or less than 1% of the time he spends working at his employment, whichever is the lesser, during any calendar year.

   2) Any such person's activities in engaging in influencing legislation shall be considered "exceptional" if such activities are not contemplated by his employment and are limited to less than three items of legislation in any two-year Legislative term.

   3) Any such person's activities in engaging in influencing legislation shall be considered "isolated" if they are limited to one appearance before the Legislature or the Governor and his staff or to one item of legislation during any two-year Legislative term.

Registration Procedures:

- Legislative Agents must file with the Attorney General a signed notice of representation, the form for which is now available from the Attorney General's office. The notice of representation must be filed prior to any communication to the Legislature or to the Governor or his staff, and in any event within 30 days of employment, retainer or engagement as a legislative agent.

The notice of representation will contain the following information:

1. The legislative agent's name, business address and regular occupation;
2. The name, business address and occupation of the person from whom the agent receives compensation for his activities as a legislative agent;
3. The name, business address and occupation of any person in whose interest the agent acts as a legislative agent in consideration of the above compensation, if such person is other than the one from whom the agent receives said compensation;
4. Whether the person from whom the agent receives said compensation employs him solely as a legislative agent, or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation;
5. The length of time for which the agent will be receiving compensation for acting as a legislative agent, if this length of time can be ascertained at the time of filing;
6. The type of legislation or the particular legislation in relation to which he is to act as legislative agent in consideration of said compensation, and any particular legislation or type of legislation which he is to promote or oppose;
7. A full, detailed description of any arrangement or understanding by which part or all of the agent's compensation will be contingent upon the success of any attempt to influence legislation.

Quarterly Reports

Each legislative agent must file with the Attorney General a signed quarterly report of his activity in attempting to influence legislation each quarter. Each quarterly report must be filed between the first and tenth days of each calendar quarter for activity during the preceding quarter. The Attorney General has issued forms for quarterly reports, which are available at his office.

Each quarterly report must describe the particular items of legislation and general category or type of legislation regarding which the agent acted as legislative agent during the quarter, and any particular items or general types of legislation regarding which he actively promoted or opposed during the quarter, in addition to the names of the legislators and members of the Governor's staff contacted with regard to each such item. Each quarterly report must also supply any information necessary to make the notice of representation which the agent has filed with the Attorney General current and accurate as of the final day of the calendar quarter covered by the report.

Reports and statements required by the Act become part of the public record, are available for public inspection, and must be preserved for 5 years by the Attorney General.

Legislative agents are required to wear an official name tag while lobbying in the State House. A facsimile is shown below.

	LEGISLATIVE AGENT
NAME _____	
For use only in State House – Trenton, N.J.	
Registration No. _____	Date _____

Role of the State Attorney General & Penalties:

In New Jersey, the Attorney General is responsible for enforcement. He may conduct an investigation to determine whether or not a person has violated any provisions of the Disclosure Act. He may apply to the Superior Court for an order requiring people to make records available for inspection and to submit to examination under oath. Those convicted of violations under the Act are guilty of a misdemeanor.

While the 1971 Act did not require financial disclosure, the State Election Law Enforcement Commission in September 1974 adopted regulations requiring lobbyists to disclose how much they are paid and how much they spend to influence governmental decisions. As of December 1974, these regulations cannot be enforced because the State Chamber of Commerce went to Court and obtained a restraining order against the Commission. There can be no enforcement while the Order is in effect and the case pending in Superior Court.

California

The electorate of California was not satisfied with the legislature's efforts to place lobbying activities in full public view. Consequently, stringent regulations on lobbying were proposed as part of Chapter 6 within Proposition 9: The Political Reform Initiative submitted to the voters at the Primary Election on June 4, 1974. In the wake of Watergate and public concern for the source and use of money to elect and, subsequently, influence decision makers, the Initiative received overwhelming support and is now in effect. While New Jersey legislation required registration and reporting of lobbyist activities, California legislation also set up a Fair Political Practices Commission, elaborate financial disclosure, and more severe penalties for violations.

Lobbyists must register with the Secretary of State before "doing anything to influence legislative or administrative action." Section 86101 spells out in detail the information requested:

> **86101**. Each lobbyist shall register by filing with the Secretary of State a recent 3-inch by 4-inch black-and-white photograph of himself, a written authorization to act as a lobbyist from each person by whom he is employed or with whom he contracts, and a statement containing:
>
> (a) His full name, business address, and telephone number;
>
> (b) The name and business address of each person by whom he is employed or with whom he contracts for lobbying purposes, and the term of his employment or contract if known;
>
> (c) A listing of each state agency whose administrative actions he will attempt to influence as a substantial or regular portion of his activities as a lobbyist; and
>
> (d) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

A most significant difference between the New Jersey and California law is that of financial disclosure. California lobbyists must establish special accounts to handle lobbying funds and fully report all monetary transactions. See section 86105 – 86106.

Financial Disclosure:

86106. (a) Except as provided in subsection (b) of this section, no person shall pay any expense incurred by a lobbyist in connection with his activities as a lobbyist unless such payment is made directly from the lobbyist's account. Any lobbyist who makes a gift to an elected state official, a legislative official or an agency official is deemed to be acting in connection with his activities as a lobbyist.

(b) The Commission shall promulgate regulations permitting the use of cash which has been withdrawn from a lobbyist's account to defray petty cash items.

Note particularly in the above section that when a lobbyist makes a gift to an elected state official, administrator or legislative official, he is acting in his capacity as a lobbyist and such gifts must be reported.

Every lobbyist must file detailed periodic reports fully disclosing names, addresses, sources of receipts and expenditures, cash balance, names and positions of those lobbied, and "a specific description of legislative or administrative action which the lobbyist has influenced." See details of sec. 86107.

86107. Every lobbyist shall file periodic reports containing:

(a) The monetary value of all payments, including but not limited to salary, fees, and reimbursement of expenses, received in consideration for or directly or indirectly in support of or in connection with influencing legislative or administrative action, and the full name and address of each person from whom amounts or things of value have been received and the total monetary value received from each person:

(b) With respect to each account controlled by the lobbyist at any time during the period covered by the report:

(1) The name of the account;

(2) The amount deposited in the account during the period;

(3) The full name and address of each person who is the source of any amounts deposited into the account, together with the amount attributable to each source;

(4) The date and amount of each disbursement from the account during the period, together with the full name and address of the payee, a specific description of the consideration, if any, for which the disbursement was made and the full name and address or official position of the beneficiary if the beneficiary is other than the payee or the lobbyist. In the case of disbursement for gifts of food and beverages the full name of the person and the official position, if any, who received the food and beverages, and the amount paid for each person shall be stated. In the case of any disbursement which covers more than one item, all information shall be shown that would be required if a separate disbursement had been made for each item. The Commission may by regulation provide for the reporting of overhead expenditures without detailed itemization; and

(5) The cash balance of the account at the beginning and end of the period covered by the report;

(c) With respect to any expenses in furtherance of his activities as a lobbyist which, pursuant to Section 86106 (b), are not made directly from an account, such information as regulations of the Commission shall require:

(d) The name and official position of each elective state official, legislative official and agency official, the name of each state candidate, and the name of each member of the immediate family of any such official or candidate with whom the lobbyist has engaged in an exchange of money, goods, services or anything of value and the nature and date of each such exchange and the monetary values exchanged;

(e) The name and address of any business entity in which the lobbyist knows or has reason to know that an elective state official, legislative official, agency official or state candidate is a proprietor, partner, director, officer or manager or has more than a fifty percent ownership interest, with whom the lobbyist has engaged in an exchange of money, goods, services or anything of value and the nature and date of each exchange and the monetary value exchanged, if the total value of such exchanges is five hundred dollars ($500) or more in a calendar year;

(f) A specific description of legislative or administrative action which the lobbyist has influenced or attempted to influence, and the agencies involved, if any;

(g) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

The California lobbyist is forbidden from making political contributions in support of state candidates or giving gifts to one person aggregating more than $10.00 in a calendar month. According to sec. 86205:

86205. No lobbyist shall:

(a) Do anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to him or to his employer;

(b) Deceive or attempt to deceive any elected state officer, legislative official, agency official, or state candidate with regard to any material fact pertinent to any pending or proposed legislative or administrative action;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat;

(d) Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person;

(e) Represent falsely either directly or indirectly, that he can control the official action of any elected state officer, legislative official, or agency official;

(f) Accept or agree to accept any payment in any way contingent upon the defeat, enactment or outcome of any proposed legislative or administrative action.

The State Attorney General is responsible for enforcing the criminal provisions of the Act while the Fair Campaign Practices Commission is responsible for civil penalties.

Those who "knowingly or willingly" violate the law and are convicted are guilty of a misdemeanor. A fine up to $10,000 is possible. A lobbyist could be prohibited from serving in that capacity for a period of four years.

Students should examine the laws regulating lobbyists in various states, learn the major provisions and note any apparent "loopholes." A study of the enforcement practices could prove most interesting. Research could be done on such questions as:

- How effective is the registration, reporting, and disclosure process?
- How aggressive is enforcement and why?
- What specific effect have the regulations had on the amount and quality of legislative activity and on political campaign expenditures?
- What has been the public attitude and interest in the passage of the law and subsequent enforcement practices?

TELEPHONE LOBBYING

A Role Playing Exercise

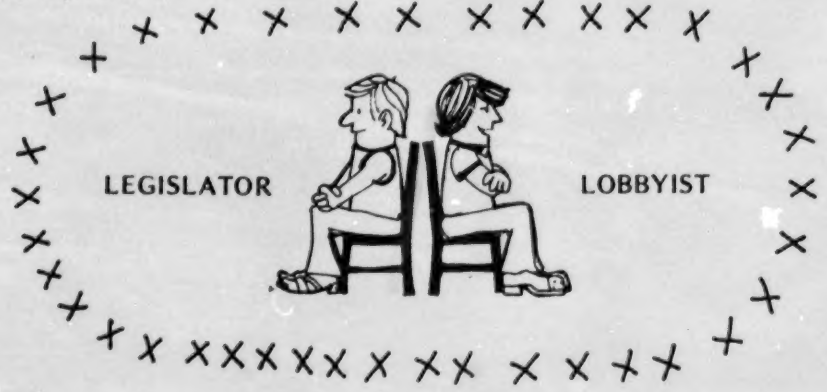
To gain true insight into lobbying techniques and to prepare for lobbying, students can use the following training device.[1]

In conducting this exercise, the instructor should:

1. Define the role of each player.
2. Give each player five minutes to prepare.
3. Keep the action moving.
4. Provide sufficient time for discussion so that students can evaluate themselves.
5. Impress on students the rules for dealing effectively with legislators.
   a. Be calm and poised.
   b. Be polite.
   c. Be factual.

Players: Student lobbyist
Legislator (should play role as neutral or opposing the bill, b[illegible]ost importantly the legislator must keep asking questions.)
Alter ego for lobbyist
Alter ego for legislator
Observer (may be selected student or entire class.)

Setting: Have student lobbyist and legislator sit back-to-back with other students in a circle observing the exercise of the lobbyist telephoning the legislator to seek his support on a bill. This "fish bowl" technique will permit the class better visibility and should enhance the atmosphere of participation.



[1] The exercises may be audio and/or video-taped to assist student evaluation.

ACT I

Lobbyist: Makes introductory comments. Observers should take notes on whether or not lobbyist properly introduces himself, explains his position factually and adequately, acknowledges the legislator's status.

"Hello, Assemblyman Jones? I am Miss Janice Martin from your district. I'm working with Citizens for Equitable Educational Funding and support the Bill #402 to provide more money to local school districts. May I have your views?"

Legislator: "I appreciate your calling and sharing your views. I have concerns on the total cost of the bill to taxpayers and haven't made up my mind. How many members are in your group, and what facts do you have in support of your position."

Dialogue should be allowed to continue while lobbyist provides information and legislator keeps asking questions. Instructor should now stop action and briefly review what has taken place. Then he should introduce an alter ego for the lobbyist and for the legislator. He instructs each alter ego to sit next to his assigned player and by listening very carefully to what the other character is saying, offer arguments for his "character" to use.

ACT II

Lobbyist: "Since we agree that adequate and equitable school funding is certainly necessary, Assemblyman Jones, what recommendations would you make as to whom I should contact to gain support for the bill?"

Alter Ego for Legislator: (Whispers). "The speaker of the Assembly and the Chairman of the Education Committee should certainly be contacted."

Legislator repeats: "The speaker of the Assembly . . ."

Allow the four players to continue the drama for three or four minutes. Then have lobbyist and legislator exchange places and run through the scene again. It is important for students to reverse roles to learn each viewpoint. With each "replaying," confidence is built.

Discussion: Have observers report. They should give information on:

How confident was each player?

What were the key arguments of each player?

What other points might have been given?

The role of the observers is essential. It is through their comments and evaluations that the following major techniques can be brought out for elaboration by the teacher:

1) Proper identification and introduction by the lobbyist.

2) Presentation of facts rather than emotional arguments.

3) Recognition of the legislator's background and voting record.

After the discussion, it may be useful to select a new pair of players to do the scene incorporating all the techniques and recommendations which were generated.

THE LEGISLATIVE PROCESS

This section of *A Guide to Lobbying* focuses on the ways in which legislatures operate in acting on proposed legislation. The information included is based on the models of New Jersey and California, although the pattern in the other forty-eight states is quite similar. Details on the specific rules of procedure which are followed in your own state's law-making body can be obtained by contacting the state headquarters of the League of Women Voters and/or the state's office of Legislative Services.

At the federal level, most students are familiar with the basic steps of how a bill becomes a law in the U.S. Congress. Although the information herein presented applies to state government, many of these procedures are duplicated in other parliamentary law-making bodies. The emphasis should not be on the rote memorization of details, but rather on identifying those key "leverage points" at which pressure from lobbyists, citizen groups, the media, etc., can be brought to bear to influence the final outcome on a particular piece of legislation.

STRUCTURE AND ORGANIZATION

California and New Jersey, like all the other states except Nebraska, have bicameral legislatures – i.e. the principal law-making powers of the state are vested in two houses, a Senate and an Assembly. The legislatures meet in two-year sessions, and bills can be introduced in either year of the session. Special sessions may also be called by the Governor, who then specifies the subject to be considered by the legislature.

It so happens that both New Jersey and California have law-making bodies consisting of a 40-member Senate and an 80-member Assembly, but these numbers are considerably larger in many of the other states. The legislators are elected from 40 districts drawn up by the State Apportionment Commission, a bi-partisan body appointed every ten years to draw new districts based on the federal census figures.[1]

Assembly terms are for two years, Senate terms for four years; the Legislature is constituted for a two-year period concurrent with the election of the Assemblymen.

Each house elects its own officers by majority vote at the beginning of the first annual session. The presiding officer in the General Assembly is the Speaker; in the Senate the President. A Speaker Pro Tem and President Pro Tem, who take over in the absence of the presiding officer, are also elected.

Majority and Minority Leaders, Assistant Leaders and party Whips are elected to each house. Whips are responsible for counting votes and making sure party members are in their seats for crucial votes.

Rules adopted by each house specify the number of committees, the number of members, and the party representation of committees.

[1]**This is based on the *Baker v. Carr* (1962) and *Reynolds v. Sims* (1964) decisions of the U.S. Supreme Court, which ruled that *both* houses of state legislatures must be based on population – apportioned according to "one man, one vote" to follow the 14th Amendment guarantees of equal protection of the laws.**

Party state and county leaders traditionally meet and make recommendations for the legislative leadership of the party. The majority party chooses presiding officers in each house. Party legislative leaders in each house meet to make committee assignments; officially the committee chairmen and members are appointed by the presiding officer of each house.

Committee meetings and party conferences tend to take up a great part of a legislative day. There is an increasing trend to hold more committee meetings on non-legislative meeting days. Public hearings are usually held on non-meeting days.

The following is an outline of the committee system in the New Jersey legislature. These committees vary somewhat from state to state, depending on the size of the state and the nature of the problems it faces – e.g. urban, agricultural, etc. (Students will wish to investigate to see which committees are concerned with legislation of interest to them.)

There are two kinds of legislative committees: standing reference committees to which proposed legislation is referred for study, and administrative or housekeeping committees.

The reference committees are:

Assembly

Agriculture & Environmental
Appropriations*
Banking & Insurance
Commerce, Industry & Professions
County Government
Education
Institutions, Health & Welfare
Judiciary, Law, Public Safety & Defense
Labor
Municipal Government
State Government & Federal & Interstate Relations
Taxation
Transportation & Communications

Senate

County & Municipal Government
Education
Energy, Agriculture & Environment
Institutions, Health & Welfare
Judiciary
Labor, Industry & Professions
Law, Public Safety & Defense
Revenue, Finance & Appropriations*
State Government & Federal & Interstate Relations
Transportation & Communications

***Meet as the Joint Appropriations Committee to consider and hold public hearings on the state budget.**

Administrative committees have the same designation in each house. They are: Intergovernmental Relations, Introduction of Bills, Rules & Order, and Ways and Means. Joint administrative committees are: Ethical Standards, Liaison, Passed Bills, Printing, State Audit, and State Library.

Real legislative action often occurs in majority party caucuses. Even after bills have been favorably reported out of standing committees, the caucus can control the flow of the bills reaching the legislative floor for a vote. However, as with the New Jersey Assembly, many state majorities are passing rules to curb the power of the caucus.

One house of the Legislature, the Senate, must approve most of the Governor's nominations to state executive and judicial positions. The other house, the General Assembly, must originate any new proposals for raising revenue. Constitutional amendments must originate in the Legislature and be approved by the voters in a general election. Thus, proposed constitutional amendments go directly from the Legislature to the people.

By tradition, no bill is acted upon unless the sponsor requests it, nor can it be moved on the floor of the house by anyone but the sponsor. A bill that has passed one house is usually moved in the second house by a legislator from the same district or county as the prime sponsor.

The Governor, as mandated by the state constitution, also performs certain functions of a legislative nature, including delivery of the annual "state of the state" message, submission of the budget, and proposed recommendations for certain changes in policies and programs requiring legislative enactment.

HOW A BILL BECOMES A LAW – THE LEVERAGE POINTS

Some of the following information, including certain highlighted leverage points in the legislative process, has already been included herein under Lobbyists and their Function. (Students should refer back to it and its discussion of techniques.) However, this step-by-step analysis is provided here for easy reference. This is a composite of New Jersey and California laws;[1] be sure to check the details in your own state.

1. **Ideas for Legislation**
   Suggestions for legislation come from many sources – individuals, organizations, and governmental agencies. Many bills are the result of legislative studies conducted during recesses (interim studies). Senators and Assemblymen present these proposals as bills to their respective houses of the Legislature. The budget bill, however, is introduced simultaneously in both houses.

   Each bill must be signed by the author and any co-authors and must be accompanied by a digest prepared by the Legislative Counsel, setting forth the main provisions of the bill.

2. **Introduction – First Reading – Assignment to Committee**
   At the time of introduction, the bill is given a number; its number and title are read by the clerk; it is referred to a standing committee for study and recommendation; and it is sent to the state printing plant where hundreds of copies are made. (Bills are never read in their entirety at any time during the three obligatory readings.) Bills are numbered in the order of introduction and retain that number until the Governor's signature changes a "bill" to a "chapter" (i.e. law).

[1] Adapted from New Jersey and California League of Women Voters publications.

In the Senate, the Rules Committee assigns bills to committees; in the Assembly, the Speaker makes the assignments. During regular sessions, no bill, except the budget bill may be considered by committee until the 31st day after it is in print. (This requirement may be waived by a two-thirds vote of the house.)

3. **Committee Action**

The fate of measures is often determined in committee. The standing committees may submit, recommend or propose amendments; they may also table or ignore a bill. In reporting a bill out, after consideration, a committee may make such recommendations as "do pass," "do pass, as amended," or "amend and re-refer" to another committee (often a fiscal committee); some subjects are referred to Rules Committee for assignment for interim study. At the end of the session and at certain other times, committee chairmen report all bills which have not been acted upon back to the house "without further action."

A majority vote of the committee members is required to report out a bill. In the Assembly, if a sponsor has requested committee action three times and the committee has not taken a vote for or against the bill, the Conference Committee may direct the committee to report the bill on a vote representing 41 assemblymen. In the Senate, the presiding officer can move a bill from its committee to the Conference & Coordinating Committee. In the Senate a committee can be relieved of a bill 60 days after the sponsor submits a written request. In both houses, a sponsor can, upon twenty-four hours notice and with the signatures of a majority of the members of his house on a discharge petition, get a bill out of committee. To hold a public hearing requires a majority vote of committee members.

4. **Second Reading – Amendments**

Bills reported out of committee are placed on the second reading file in the order received, to be read on the floor of the house the next legislative day. The second reading requirement is usually executed by the clerk's simply reading the bill's number and title.

Committee amendments or amendments from the floor are adopted on second reading, usually without discussion. If amended, the bill is reprinted and again placed on the second reading file.

If "re-refer" to committee is recommended in the committee report, the bill goes to the designated committee, and if reported out, is again placed on the second reading file.

5. **Third Reading – Debate and Vote**

The presiding officer prepares the calendar (list) of bills to be considered at third reading. Bills are debated from the floor at this time.

Under the Constitution one calendar day must elapse between second and third reading. This may be waived under an emergency.

To amend a bill at the time of floor debate an emergency resolution is required to move the bill from third reading back to second reading. If final action is desired on the same day another emergency resolution is required to advance the bill, amended or not, back to third reading.

At the conclusion of debate, a roll call vote is taken. A majority, twenty-one affirmative votes, is required for passage in the Senate, forty-one in the Assembly. A two-thirds vote is necessary for constitutional amendment proposals, urgency measures, the budget bill, and certain other measures.

A Consent Calendar is used to expedite noncontroversial legislation. When a bill, other than a revenue measure, unanimously receives a favorable recommendation from committee, when no opposition is expressed at the hearing, and the bill's author so requests, a bill is placed on the Consent Calendar, and after it is read a third time, is voted upon without debate.

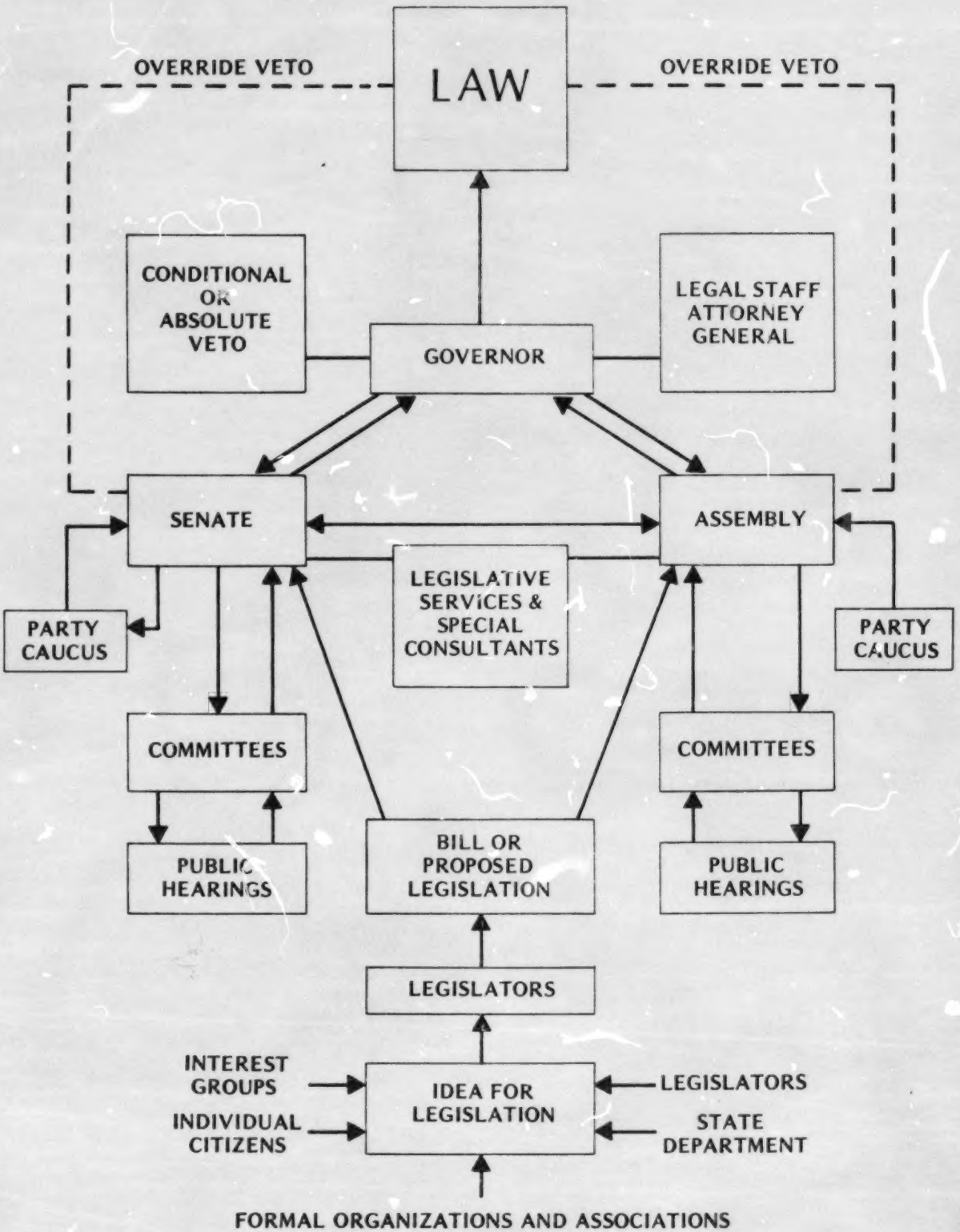
On third reading, bills that are not passed may be (1) laid on the table if a motion is adopted prior to the announcement of roll call; (2) reconsidered upon request of one who voted on the prevailing side, with concurrence of the majority to proceed, and providing the bill originally received 15 votes in the Senate, 30 in the Assembly; (3) recommitted upon motion by the sponsor and a majority vote; (4) defeated.

6. **To the Second House**
Passed in one house, a bill is transmitted promptly to the second house where it must undergo the same process: first reading, assignment to committee, second and third readings, debate and vote. If the bill is amended in the second house, either in committee or on the floor, it must return to the house of origin for concurrence with amendments.

If the house of origin refuses to concur, a Committee on Conference is appointed to try to resolve the differences. Three successive Conference Committees may be appointed and dissolved in an attempt to reach agreement. The bill dies if no agreement can be reached or if either house fails to adopt the conference report.

7. **To the Governor's Desk – Veto or Approval**
All bills, except resolutions and certain measures which are subsequently referred to popular vote, are presented to the Governor for his signature. The Governor has 10 days in New Jersey (12 in California) in which to sign the bill or veto it. If vetoed, the bill returns to the legislature. If he takes no action within ten days, the bill becomes law. In New Jersey, the Governor may conditionally veto a bill, sending it back to the Legislature with recommendations for amendments; he may veto line items in an appropriations bill without vetoing the entire bill.

The Legislature can let the veto stand; can override it by 2/3 vote in each house; or, by a majority in each house, can concur with the amendments recommended by the Governor and send the bill back for his signature.


LAW
OVERRIDE VETO
OVERRIDE VETO
CONDITIONAL OR ABSOLUTE VETO
GOVERNOR
LEGAL STAFF ATTORNEY GENERAL
SENATE
ASSEMBLY
LEGISLATIVE SERVICES & SPECIAL CONSULTANTS
PARTY CAUCUS
PARTY CAUCUS
COMMITTEES
COMMITTEES
PUBLIC HEARINGS
BILL OR PROPOSED LEGISLATION
PUBLIC HEARINGS
LEGISLATORS
INTEREST GROUPS
INDIVIDUAL CITIZENS
IDEA FOR LEGISLATION
LEGISLATORS
STATE DEPARTMENT
FORMAL ORGANIZATIONS AND ASSOCIATIONS

ADDITIONAL INFORMATION

Legislative Terminology

Bill – a proposed statute or law. Each bill is assigned a number and prefixed with an A or S depending on its house of origin. Bills are referred to as S.000 (Senate Bill 000), A.0000 (Assembly Bill 0000). Must pass both houses and be signed by the Governor.

Resolution – a formal resolution by one house expressing the policy or opinion of the house adopting it. It is designated and referred to as AR 00 (Assembly Resolution 00) or SR 00 (Senate Resolution 00). Needs approval only of the house which proposes it.

Joint Resolution – a formal resolution separately adopted by both houses, requiring the approval of the Governor. It has the effect of law and is used in lieu of a bill when enactment is temporary, or to initiate a study or to recommend something to the U.S. Congress (called "memorializing"). Referred to as AJR 00 or SJR 00.

Concurrent Resolution – a resolution adopted by both houses expressing the will of the Legislature. It can be used for memorials, commendation, legislative organizational matters or to set up study commissions not involving gubernatorial appointments. Its effect expires at the end of the two-year term of the Legislature adopting it. It is also the procedure used to propose constitutional amendments. Referred to as ACR 00 or SCR 00.

Keeping Informed

Bills are available free to the public in most states. To obtain a copy of a bill, write to the Legislative Bill Room, State Capitol of your own state. Be sure to ask for the bill by number and session (e.g., Assembly Bill 123, 1975 session). Your legislative representative's office or a local law library would also be sources for obtaining a copy of a bill.

Although closed or executive sessions are possible, most legislative activities – hearings, full sessions – are open to the public. Notice of meetings is posted in advance.

There are several ways in which a citizen can keep informed of the progress of legislation and of the possibilities for having influence. Available to the public are publications which are kept up-to-date for reference. Their titles and sources vary from state to state. Again, using the models in the states of California and New Jersey, students should be aware of the following:

In New Jersey:

Legislative Hotline 800-792-8630: A toll free number you can call between 9:30 a.m. and 4:30 p.m., Monday through Friday for information or material about legislative activities. The service is also available at all hours when either house is meeting.

Legislative Roundup: Newsletter published ten or more times during the year covering legislative activities with detailed reports of Senate and Assembly meetings, resume of debate and the general outlook for major legislation of concern to the public. Includes a special voting record issue in legislative election years. Published by the LWVNJ, 460 Bloomfield Avenue, Montclair, N.J. 07042.

Legislative Index: Privately printed cumulative record listing bills and resolutions by subject, sponsor, and by house in order of introduction, notes of coming public hearings, and lists of bills signed into law. Published weekly during sessions. Subscription rate is $85 per year. Legislative Index of New Jersey, Inc., P.O. Box 236, 27 North Bridge St., Somerville, N.J. 08876.

Legislative News: Privately printed record of each day's meeting, listing vote total on bills passed or defeated, motions made, bills reported out of committee, bills introduced, resolutions, public hearings, other formal actions. Printed and mailed evening of each meeting day. Subscriptions $40 per year. New Jersey Legislative News, P.O. Box 412, Trenton, N.J. 08603.

In California:

The *File*, *Journal*, and *History* are published daily for each house and can be obtained, free, from the Legislative Bill Room on the second floor of the Capitol.

The *File* is useful to Capitol visitors, for it contains the order of business for the day's session and lists bills scheduled for committee hearings.

The *Journal* is the official record of each day's proceedings, including roll calls on the floor.

The *Daily History* shows the status of bills as they move; there is also a *Weekly History* which updates all legislation.

Each state legislature also has a Legislative Services office which can be very useful for reference purposes.

There are several national organizations that are specifically concerned about the various state legislatures, and they also might be able to assist you in obtaining information about your own. Some of these organizations are:

The Citizens Conference on State Legislatures
4722 Broadway
Kansas City, Missouri 64112

National Legislative Conference
Iron Works Pike
Lexington, Kentucky 40505

National Conference of State Legislative Leaders
411 E. Mason Street
Milwaukee, Wisconsin 53202

National Society of State Legislators
1545 East 60th Street
Chicago, Illinois 60637